

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HOWARD BLAND, JR. and DAVID RUPP,)
Individually and on Behalf of All Other)
Persons Similarly Situated,)
Plaintiffs,) Civil Action No. 2:12-cv-01407
v.) Judge Terrence F. McVerry
Defendants.) *Electronically Filed*
CALFRAC WELL SERVICES CORP. and)
CALFRAC WELL SERVICES LTD.,)

JOINT MOTION FOR PRELIMINARY APPROVAL

Plaintiffs Howard Bland, Jr. and David Rupp (“Plaintiffs”) and defendant Calfrac Well Services Corp. (“Calfrac”), for the reasons set forth in the accompanying memorandum of law in support, move for the following: (1) Plaintiffs be granted leave to file the Second Amended Complaint, attached as Exhibit A to the Settlement Agreement, attached as Exhibit A to Declaration of D. Aaron Rihn, attached as Exhibit A to the joint motion for preliminary approval, and that it be deemed filed; (2) the date for Calfrac to respond to the Second Amended Complaint be postponed until the final approval or fairness hearing; (3) for settlement purposes the following classes of individuals employed by Calfrac be found preliminarily to meet the requirements of Fed. R. Civ. P. 23(a) and (b)(3) and therefore be conditionally certified:

- (a) Arkansas: all Field Operators, including Fracturing, Cement, and Coil Operators employed from July 31, 2011 through January 21, 2013;
- (b) Colorado: all Field Operators, including Fracturing, Cement, and Coil Operators employed from May 21, 2010 through January 21, 2013;
- (c) Pennsylvania: all Field Operators, including Fracturing, Cement, and Coil operators employed from September 27, 2009 through January 21, 2013; and

(d) North Dakota: all Field Operators, including Fracturing, Cement, and Coil Operators employed from July 31, 2012 through January 21, 2013;

(4) for settlement purposes, the Court certify a settlement class of individuals who filed consents to join this action under 29 U.S.C. § 216(b) and worked for Calfrac as a Field Operator during the three years before opting in to this action; (5) conditional approval of Plaintiffs and Justin Page, Mad Adam Danial Bomber and John Johnson as settlement class representatives;

(6) conditional appointment of Nicholas A. Migliaccio of Migliaccio PLLC, Gary E. Mason and Jason S. Rathod of Whitfield Bryson & Mason LLP, and Robert F. Daley and D. Aaron Rihn of Robert Peirce & Associates, P.C. as class counsel; (7) that the proposed settlement set forth in the Settlement Agreement, attached as Exhibit A to Declaration of D. Aaron Rihn, attached as Exhibit A to the joint motion for preliminary approval, be preliminarily approved; (8) RG/2 be approved as administrator of the claim and dispute resolution process described in the Settlement Agreement; (9) the Official Court Notice of Settlement of Collective and Class Action (“Notice”) and Claim Form, attached as Exhibits C and D to the Settlement Agreement be approved; (10) approval of the notice and claim procedure set forth in the Settlement Agreement; (11) approval of the procedures set forth in the Settlement Agreement for objecting to and opting out of the settlement; (12) scheduling of a final approval or fairness hearing not earlier than 100 days from the date the Court grants preliminary approval of the settlement; (13) pursuant to the All Writs Act, 28 U.S.C. § 1651(a), an injunction against any settlement class member initiating any lawsuit, and also staying any pending lawsuits asserting any claims pertaining to hours of work, overtime pay, or failure to pay overtime pay, including all claims that are or could be raised in the Second Amended Complaint, against Calfrac on behalf of any class member or members until final approval.

WHEREFORE, plaintiffs Howard Bland, Jr. and David Rupp, and defendant Calfrac Well Services Corp. respectfully request the foregoing relief and such other relief as the Court deems appropriate.

Respectfully submitted,

/s/ Nicholas A. Migliaccio

Nicholas A. Migliaccio, Esq.
(pro hac vice)
nmigliaccio@classlawdc.com

MIGLIACCIO LAW FIRM PLLC
438 16th Street S.E.
Washington, DC 20003
Cell: (202) 368-3843
Office: (202) 470-3520
Fax: (202) 810-0081

/s/ Jason S. Rathod

Gary E. Mason (pro hac vice)
gary@wblmllp.com
Jason S. Rathod (pro hac vice)
jrathod@wblmllp.com

WHITFIELD BRYSON & MASON LLP
1625 Massachusetts Avenue, N.W.
Suite 605
Washington, D.C. 20036
(202) 429-2290

D. Aaron Rihn
Pa. I.D. No. 85752
arihn@peircelaw.com

ROBERT PEIRCE & ASSOCIATES, P.C.
2500 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
(412) 281-7229

Attorneys for Plaintiffs

Firmwide:134972892.2 073543.1001

/s/ Mark T. Phyllis

Terrence H. Murphy
Pa. I.D. No. 36356
tmurphy@littler.com
Mark T. Phyllis
Pa. I.D. No. 66117
mphillis@littler.com
Morgan J. Matson
Pa. I.D. No. 312138
mmatson@littler.com

LITTLER MENDELSON, P.C.
625 Liberty Avenue, 26th Floor
Pittsburgh, PA 15222
(412) 201-7600

Attorneys for Defendant
Calfrac Well Services Corp.